

REMARKS

Applicant has amended the claims as kindly suggested by Examiner Ferguson to overcome the objections thereto.

Claims 1-13 have been rejected under 35 U.S.C. §102(e) as being anticipated by Foster.

Foster does not have an “elongated hollow rectangular body” as alleged in the rejection of every one of claims 1-13. The Foster structure is not rectangular and it is not hollow. To make it clearer that the claims recite what applicant views as in the original claims anyway, applicant has added language to the independent claims 1 and 7: “...a first end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and...”. There is no substantially rectangular shaped open space in the first end cap. This same language has been added to claims 1 and 7 with respect to the second end cap and the intermediate segment as well. Foster does not have claimed this structure.

As to claim 5, Foster does not have this claimed structure:

“...at least one vertical mounting flange is formed in ~~the rear wall~~ a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.”, as alleged. The **top surface** of flange 16/22 of Foster has **no** recesses in it, let alone any “semi-conical”ones.

Similarly claim 4 recites:

“...a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.”

Similarly claim 6 recites:

“...a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.”

Similarly claim 11 recites:

“...a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.”

Similarly claim 13 recites:

“...a semi-conical recess formed in ~~the top surface~~ a top surface of the hollow rectangular bodies.”

Dependent claims 14 and 15 recite that there is a fence post in the soil and that:

“...said vertical mounting flange is directly attached to said fence post with a fastener.”

Clearly the Foster flange 16/22 is not attached to a fence post, nor is there any motivation to teach attaching it to a fence post.

Accordingly, since claims 1-15 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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